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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,991	05/10/2001	Kazuo Hiraguchi	Q63864	4134

7590 07/16/2003

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EXAMINER

RENNER, CRAIG A

ART UNIT

PAPER NUMBER

2652

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/851,991

Applicant(s)
Hiraguchi et al.

Examiner
Craig A. Renner

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2652



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 Jun 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above, claim(s) 1 and 3-31 is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2001 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 9 Aug 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other:

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Election/Restriction

1. Claims 26-31 are withdrawn from further consideration pursuant to 37 C.F.R. § 1.142(b) as being drawn to one or more non-elected inventions/species, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 7, filed 27 May 2003.

2. Applicant's election without traverse of "Species IX, Figures 15A & 15B, on which claim 2 is readable" in Paper No. 9, filed 30 June 2003, is acknowledged. Accordingly, claims 1 and 3-25 are withdrawn from further consideration pursuant to 37 C.F.R. § 1.142(b) as being drawn to one or more non-elected inventions/species, there being no allowable generic or linking claim.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119(a)-(d), which papers have been placed of record in the file.

Drawings

4. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 9 August 2001 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

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5. The drawings are objected to because of the following informalities:

a. The drawings fail to comply with 37 C.F.R. § 1.84(p)(4) because plural distinct elements have been designated by the same reference character. Note, for instance, that “A” has been used to designate both an “arrow” (as shown in FIG. 2, and as disclosed in line 8 on page 36 and line 3 on page 37, for instance) and an unidentified element (as shown in FIG. 15A, for instance).

b. The drawings fail to comply with 37 C.F.R. § 1.84(p)(5) because they include one or more reference signs not mentioned in the description. Note, for instance, “A” (shown in FIG. 15A, for instance).

A proposed drawing correction, corrected drawings, and/or amendment to the specification is required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

7. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

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Claim Rejections - 35 U.S.C. § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

9. Claim 2 is rejected under 35 U.S.C. § 102(e) as being anticipated by Tanimura et al. (US 6,065,701).

Tanimura et al. (US 6,065,701) teaches a recording medium cartridge (2) comprising a noncontact-type memory (1) having an IC section (20) for storing information and performing signal processing, and an antenna section (30) for performing data transmission by transmitting and receiving signals, data being read from and written to the noncontact-type memory in a noncontact manner (lines 23-26 in column 4, for instance); and an accommodation portion (54) which accommodates the noncontact-type memory at least partially, and which includes a first portion corresponding to the noncontact-type memory and a second portion in the vicinity of the

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noncontact-type memory; wherein the accommodation portion is recessed one step relative to a surrounding portion (lines 37-39 in column 4, for instance).

Claim Rejections - 35 U.S.C. § 103

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. § 103(c) and potential 35 U.S.C. § 102(e), (f) or (g) prior art under 35 U.S.C. § 103(a).

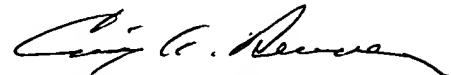
Pertinent Prior Art

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This includes Tanimura (JP 10-149600), Tanimura (JP 10-172211), Tanimura (JP 10-188522), Tanimura (JP 10-199066), Tanaka et al. (JP 10-199067), Tanaka (JP 10-199216), Tanimura (JP 10-214476), Tanimura et al. (JP 10-214477), Tanimura (JP 10-222890), Tanimura (JP 10-255441), Tanimura (JP 10-269744), Kano et al. (WO 00/17880), Kano et al. (EP 1 041 562), Kaneko (US 2002/0023956), Ota et al. (US 6,452,749), and Ota et al. (US 6,496,314), which each individually teaches a recording medium cartridge with a memory thereof communicating via antenna.

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Conclusion

12. Any inquiry concerning the above referenced application should be directed to the examiner, Craig A. Renner, whose telephone number is (703) 308-0559, and whose facsimile number is (703) 872-9314. The examiner can normally be reached Tuesday through Friday from 7:30 a.m. to 6:00 p.m. E.S.T.



Craig A. Renner
Primary Examiner
Art Unit 2652

CAR
July 14, 2003